

REMARKS

This is a full and timely response to the non-final Office Action (Paper No. 13) mailed by the U.S. Patent and Trademark Office on June 20, 2003. Claims 1-39 remain pending in the present application. Claims 2, 9, and 15 have been amended merely to correct informalities. Thus, no prosecution history estoppel results from these amendments. Claims 1, 16, 17, 20, 26, and 37 have been amended to clarify the subject matter that Applicant regards as the invention. The subject matter of amended claims 1, 16, 17, 20, 26, and 37 is included in at least FIGs. 3-5, 7, 9, and 10 and the related detailed description. Thus, Applicant submits no new matter has been added.

In response to item 2 of paper no. 13, Applicant has amended claims 9 and 15.

In response to item 3 of paper no. 13, Applicant respectfully traverses the rejection of claims 1, 2, 4-8, 12-14, 16-26, 28-32, 34, 35, and 37, as amended, under 35 U.S.C. §102(a) over *Minowa* '408.

In response to item 6 of paper no. 13, Applicant respectfully traverses the rejection of claims 10, 11, and 33, as amended, under 35 U.S.C. §103(a) over *Minowa* '408 in view of *Minowa et al.* (U.S. Patent No. 6,408,161, hereafter *Minowa* '161).

In response to item 7 of paper no. 13, Applicant respectfully traverses the rejection of claims 3, 9, 15, 27, and 36, as amended, under 35 U.S.C. §103(a) over *Minowa* '408 in view of *Minowa* (Japanese Publication No. 2001-053918, hereafter *Minowa* '918).

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the present application and claims 1-39 are respectfully requested.

I. Response to Claim Objections – Claims 9 and 15

A. Statement of the Objection

Claims 9 and 15 are objected to because of informalities. Concerning claim 9, the Office Action alleges: "In Claim 9, 'the distal edge of the platen' lacks proper antecedent basis." Regarding claim 15, the Office Action alleges: "In Claim 15, a period is missing at the end of the claim."

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B. Discussion of the Objection

Applicant has amended claim 9 such that “the channel” extends at least to an edge of the platen. Applicant submits that the claim, as amended, contains proper antecedent basis for recited elements. Applicant has amended claim 15. Specifically, a period has been added to the end of the claim. Accordingly, claims 9 and 15 have been appropriately corrected and the objection to claims 9 and 15 should be withdrawn.

II. Claim Rejections Under 35 U.S.C. §102 – Claims 1, 2, 4-8, 12-14, 16-26, 28-32, 34, 35, and 37

A. Statement of the Rejections

Turning now to the substantive claim rejections, the Office Action indicates that claims 1, 2, 4-8, 12-14, 16-26, 28-32, 34, 35, and 37 presently stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by *Minowa* (Japanese Publication No. 2000-209408, hereafter *Minowa* ‘408.)

B. Discussion of the Rejections

Applicant respectfully traverses the rejection of these claims for at least the reason that the document scanner apparently disclosed in *Minowa* ‘408 fails to disclose, teach, or suggest each element in Applicant’s claims.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior-art reference disclose each element, feature, or step of the claim. See *e.g.*, *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129. (Fed. Cir. 1988.)

1. Claims 1, 2, 4-8, and 12-14

For convenience of analysis, Applicant’s independent claim 1, as amended, is repeated on the following page in its entirety.

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1. A space-saving scanner assembly, comprising:
a housing having a substantially vertical source-contact surface with a channel that protrudes from the housing, said channel having a first surface that is substantially parallel to, and opposed from, said source-contact surface, said channel having a second surface substantially orthogonal to the first surface; and
a flap coupled to the source-contact surface, the flap having a source-backing surface substantially parallel to the source-contact surface of the housing, *wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture for receiving an edge of a source to be scanned.*

(Applicant's independent Claim 1 - *Emphasis Added.*)

Applicant respectfully asserts that the cited art of record fails to disclose, teach, or suggest at least the emphasized element of independent claim 1. Consequently, claim 1 is allowable.

Regarding independent claim 1, the Office Action rejection alleges that *Minowa '408* teaches a space-saving scanner assembly comprising a housing having a substantially vertical source-contact surface with a channel extending from the housing. (FIG. 6) The rejection continues to allege that the channel (14b to 14c) includes a surface that is substantially parallel to and opposed from the source-contact surface (FIG. 4). (See Office Action, Paper No. 13, page 3, item 4.)

Applicant respectfully disagrees. FIGs. 4 and 6 of *Minowa '408* do not show a housing with a channel extending from the housing. FIGs. 4 and 6 of *Minowa '408* include a cross-sectional view and an orthogonal view of an aperture of a scanner assembly as it receives a source document. A platen 12 is apparently shown within housing 11 in FIG. 4. The platen 12 has a source-contact surface adjacent to source "S." FIG. 4 further shows a flap that closely contacts the source. Because FIG. 4 depicts the flap in close contact with the source-contact surface, the illustration does not show a channel protruding from the housing 11 with a first surface that is substantially parallel to and opposed from the source contact surface.

In contrast with Applicant's claimed scanner assembly, FIGs. 4 and 6 of *Minowa '408* appear to show an aperture formed by the source-contact surface of the housing and a flap. FIG. 4 appears to show that the source rests on a ledge extending from the flap. FIG. 6 of *Minowa '408* completely obscures the platen and any

structure that can support and align the source with respect to the platen of the scanner. In further contrast with Applicant's claimed scanner assembly and consistent with FIG. 4, FIGs. 7-9 of *Minowa '408* appear to illustrate an embodiment with a ledge that extends from the flap and is closely received by a recess in the housing.

Specifically, Applicant respectfully disagrees with the assertion in the Office Action that *Minowa '408* teaches Applicant's claimed channel that extends from the housing. Applicant's claimed housing includes "***a channel that protrudes from the housing.***" The channel includes "***a first surface that is substantially parallel to, and opposed from, said source-contact surface, said channel having a second surface substantially orthogonal to the first surface.***" Significantly, Applicant's claimed scanner assembly further includes "a flap" and recites the limitation "***wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture for receiving an edge of a source to be scanned.***" These elements that form an aperture are not shown in *Minowa '408*. First, as pointed out above, FIG. 4 and FIG. 6 of *Minowa '408* fail to illustrate any structure protruding from the housing 11. Second, *Minowa '408* fails to disclose, teach, or suggest Applicant's claimed channel having a first surface substantially parallel to and opposed from the source-contact surface. Third, *Minowa '408* fails to disclose, teach, or suggest Applicant's claimed channel having a second surface substantially orthogonal to the first surface.

Because *Minowa '408* fails to disclose, teach, or suggest a channel protruding from the housing having "***a first surface that is substantially parallel to, and opposed from, said source-contact surface,***" *Minowa '408* cannot disclose, teach, or suggest that said channel has "***a second surface substantially orthogonal to the first surface.***"

Significantly, each of the embodiments illustrated *Minowa '408* do not show a channel having "***a first surface that is substantially parallel to, and opposed from, said source-contact surface,***" in addition to "***a flap***" as recited in Applicant's claim 1. In this regard, the statement of the rejection apparently alleges that the flap (14) discloses both a flap and a channel. Applicant respectfully traverses this application of the *Minowa '408* reference because *Minowa's* flap does not show Applicant's claimed scanner assembly "***wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture for***

receiving an edge of a source to be scanned.” Consequently, *Minowa* ‘408 fails to disclose, teach, or suggest both Applicant’s claimed housing and flap. Accordingly, *Minowa* ‘408 fails to anticipate Applicant’s claim 1. Thus, the rejection of claim 1 should be withdrawn.

Because independent claim 1 is allowable, its respective dependent claims 2, 4-8, and 12-14 are also allowable, as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 2, 4-8, and 12-14 be withdrawn.

2. Claims 16-19

For convenience of analysis, Applicant’s independent claim 16, as amended, is repeated on the following page in its entirety.

16. A space-saving scanner assembly, comprising:
means for housing an optical scanner; and
means for forming an aperture configured to closely receive a leading edge of a source, such that the source can be spatially arranged with the means for optically scanning without adjusting the aperture, the source being supported along a second edge of said source along a channel means when the source is aligned with the means for optically scanning while in the aperture and spatially arranged with the means for optically scanning, wherein said channel means protrudes from said means for housing and comprises a source retaining means substantially parallel to, and opposed from, said optical scanner and a source support means substantially orthogonal to said source retaining means.

(Applicant’s independent Claim 16 - *Emphasis Added.*)

Applicant respectfully asserts that the cited art of record fails to disclose, teach, or suggest at least the emphasized element of independent claim 16. Consequently, claim 16 is allowable.

Regarding independent claim 16, the Office Action rejection alleges that *Minowa* ‘408 teaches a space-saving scanner assembly comprising a means for

housing (11) an optical scanner (13) and means for forming an aperture (14 - from 14b to 14c) such that the source can be spatially arranged with the means for optically scanning without adjusting the aperture, the source being supported along a second edge (left and right - see FIG. 6) of said source along a channel means. The rejection continues to allege that the channel means extends from said means for housing and comprises a source retaining means (14) substantially parallel to, and opposed from, said optical scanner. (See Office Action, Paper No. 13, page 4.)

Applicant respectfully disagrees. FIGs. 4 and 6 of *Minowa '408* do not show a housing with a channel extending from the housing. FIG. 4 of *Minowa '408* includes a cross-sectional view that apparently reveals an aperture adjacent to a platen (12) of an optical scanning device in a housing (11) as it receives a source document. The platen 12 has a source-contact surface adjacent to source "S." Absent from FIG. 4 is a channel protruding from the housing (11) with a surface that is substantially parallel to and opposed from the source contact surface of the optical scanner.

Specifically, Applicant respectfully disagrees with the assertion in the Office Action that *Minowa '408* teaches Applicant's claimed "***means for forming an aperture configured to closely receive a leading edge of a source, such that the source can be spatially arranged with the means for optically scanning without adjusting the aperture.***" Applicant's means for forming an aperture recites the limitation "***the source being supported along a second edge of said source along a channel means when the source is aligned with the means for optically scanning while in the aperture.***" In this regard, the statement of the rejection alleges that the aperture apparently illustrated in FIG. 4 of *Minowa '408* teaches Applicant's channel means. However, this is not the case, as Applicant's claimed means for forming an aperture further recites "***wherein said channel means protrudes from said means for housing and comprises a source retaining means substantially parallel to, and opposed from, said optical scanner and a source support means substantially orthogonal to said source retaining means.***" These elements are not shown in *Minowa '408*. First, as pointed out above, FIG. 4 and FIG. 6 of *Minowa '408* fail to illustrate any structure extending from the housing 11. Second, *Minowa '408* fails to disclose, teach, or suggest Applicant's claimed channel means that protrudes from said housing means, the channel means having a source retaining means substantially parallel to, and opposed from said optical scanner. Third, *Minowa '408* fails to

disclose, teach, or suggest Applicant's claimed source support means substantially orthogonal to said source retaining means.

Significantly, each of the embodiments illustrated *Minowa '408* do not show ***"the source being supported along a second edge of said source along a channel means when the source is aligned with the means for optically scanning while in the aperture,"*** as recited in Applicant's claim 16. In this regard, the statement of the rejection alleges that the aperture formed between the surface of the housing and the flap (14) discloses Applicant's claimed means for forming an aperture. *Minowa's* flap apparently supports the source when it is positioned over the scanner. Thus, *Minowa's* aperture does not show ***"the source being supported along a second edge of said source along a channel means when the source is aligned with the means for optically scanning while in the aperture."*** Moreover, Applicant's claimed means for forming an aperture further recites ***"wherein said channel means protrudes from said means for housing and comprises a source retaining means substantially parallel to, and opposed from, said optical scanner and a source support means substantially orthogonal to said source retaining means."*** Because *Minowa '408* apparently shows that a flap supports the source, *Minowa '408* fails to disclose, teach, or suggest Applicant's claimed means for forming an aperture. Accordingly, *Minowa '408* fails to anticipate Applicant's claim 16. Thus, the rejection of claim 16 should be withdrawn.

Because independent claim 16 is allowable, its respective dependent claims 17-19 are also allowable, as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 16. *See In re Fine, supra.* Accordingly, Applicant respectfully requests that the rejection of claims 17-19 be withdrawn.

3. Claims 20-25

For convenience of analysis, Applicant's independent claim 20, as amended, is repeated on the following page in its entirety.

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20. A method for saving space on a desktop, comprising:

providing an optical scanner having a housing, the housing having a substantially vertical source-contact surface with a channel protruding from the housing, the channel having a first surface that is substantially parallel to, and opposed from, said source-contact surface, the vertical source-contact surface including a transparent platen portion, wherein the channel is adjacent to a lower edge of the transparent platen portion and further comprises a second surface substantially orthogonal to the first surface; and

providing a flap coupled to the source-contact surface, the flap having a source-backing surface substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture for receiving a source to be scanned.

(Applicant's independent Claim 20 - *Emphasis Added.*)

Applicant respectfully asserts that the cited art of record fails to disclose, teach, or suggest at least the emphasized method steps of independent claim 20. Consequently, claim 20 is allowable.

Regarding independent claim 20, the Office Action rejection alleges that *Minowa '408* teaches a method for saving space on a desktop comprising providing an optical scanner (13) (see FIG. 1) having a housing (11), the housing having a substantially vertical source-contact surface that is substantially parallel to, and opposed from, said source-contact surface, the vertical source-contact surface including a transparent platen portion (12), wherein the channel is adjacent to a lower edge of the transparent platen portion (see FIG. 4 and FIG. 6). (See Office Action, Paper No. 13, page 5.)

As explained above, Applicant respectfully disagrees. Specifically, Applicant respectfully disagrees with the assertion in the Office Action that *Minowa '408* teaches Applicant's claimed method step of "***providing an optical scanner having a housing, the housing having a substantially vertical source-contact surface with a channel protruding from the housing, the channel having a first surface that is substantially parallel to, and opposed from, said source-contact surface, the vertical source-contact surface including a transparent platen portion, wherein the channel is adjacent to a lower edge*** of the transparent platen portion and further comprises a

second surface substantially orthogonal to the first surface.” Applicant’s method step recites a housing having a channel protruding therefrom, wherein the channel is adjacent to a lower edge of the transparent platen portion and further comprises a second surface substantially orthogonal to the first **surface**.” Moreover, Applicant’s method step recites a housing having a channel that further includes **“a first surface that is substantially parallel to, and opposed from, said source-contact surface.”** These limitations are not shown in *Minowa ‘408*. First, as pointed out above, FIG. 4 and FIG. 6 of *Minowa ‘408* fail to illustrate any structure protruding from the housing 11 that is **“adjacent to a lower edge of the transparent platen portion.”** Second, *Minowa ‘408* fails to disclose, teach, or suggest Applicant’s claimed channel having a **“first surface that is substantially parallel to, and opposed from, said source-contact surface and a second surface substantially orthogonal to the first surface.”**

In direct contrast with Applicant’s claimed housing and channel, FIGs. 7-9 of the *Minowa ‘408* reference apparently reveal a ledge that extends from a source-contact surface of the flap. FIGs. 7-9 of *Minowa ‘408* further illustrate that the ledge is received in a recess formed within the housing. Significantly, each of the embodiments illustrated in *Minowa ‘408* do not show a “channel protruding from said housing” that is **“adjacent to a lower edge of the transparent platen portion,”** as recited in Applicant’s claim 20. Consequently, *Minowa ‘408* fails to disclose, teach, or suggest at least this limitation of the claim. For at least this reason, *Minowa ‘408* fails to anticipate Applicant’s claim 20.

Furthermore, *Minowa ‘408* fails to disclose, teach, or suggest Applicant’s claimed channel having a **“first surface that is substantially parallel to, and opposed from, said source-contact surface and a second surface substantially orthogonal to the first surface.”** Because *Minowa ‘408* does not disclose, teach, or suggest at least this limitation of claim 20 as shown above, Applicant respectfully submits that *Minowa ‘408* fails to anticipate claim 20. Consequently, independent claim 20, as amended, is allowable and the rejection of claim 20 should be withdrawn.

Because independent claim 20 is allowable, its respective dependent claims 21-25 are also allowable, as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 20. *See In re Fine, supra*. Accordingly, Applicant respectfully requests that the rejection of claims 21-25 be withdrawn.

4. Claims 26, 28-32, and 34-36

For convenience of analysis, Applicant's independent claim 26, as amended, is repeated below in its entirety.

26. A space-saving scanner assembly, comprising:
a housing having a substantially vertical source-contact surface;
a channel protruding from the housing, said channel having a first surface that is substantially parallel to, and opposed from, said source-contact surface and a second surface that is substantially orthogonal to the first surface; and
a flap coupled to the housing, the flap having a source-backing surface substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture for receiving an edge of a source to be scanned without necessitating relative movement between the flap and the housing.

(Applicant's independent Claim 26 - *Emphasis Added.*)

Applicant respectfully asserts that the cited art of record fails to disclose, teach, or suggest at least the emphasized elements of independent claim 26. Consequently, claim 26 is allowable.

Regarding independent claim 26, the Office Action rejection alleges that *Minowa '408* teaches a space-saving scanner assembly comprising a housing (11) having a substantially vertical source-contact surface with a channel extending from the housing. (FIG. 4) The rejection continues to allege that the channel (14b to 14c) has a surface that is substantially parallel to and opposed from said source-contact surface, and a flap (14) coupled to the housing. The rejection then alleges that the flap has a source-backing surface substantially parallel to the source-contact surface of the housing and that the source-contact surface, the source-backing surface, and the channel form an aperture for receiving an edge of a source to be scanned. (See Office Action, Paper No. 13, page 6.)

As explained above, Applicant respectfully disagrees. Specifically, Applicant disagrees with the assertion in the Office Action that *Minowa '408* teaches Applicant's claimed "*channel protruding from the housing.*" FIG. 4 of *Minowa*

'408 apparently shows an aperture formed by a flap and a scanner. Furthermore, it appears that the flap in *Minowa* '408 supports the source.

Specifically, Applicant respectfully disagrees with the assertion in the Office Action that *Minowa* '408 teaches Applicant's claimed ***channel protruding from the housing, said channel having a first surface that is substantially parallel to, and opposed from, said source-contact surface and a second surface that is substantially orthogonal to the first surface.***" This element is not shown in *Minowa* '408. First, as pointed out above, FIG. 4 of *Minowa* '408 fails to illustrate any structure protruding from the housing 11. Second, *Minowa* '408 fails to disclose, teach, or suggest Applicant's claimed channel having ***"a first surface that is substantially parallel to, and opposed from, said source-contact surface."*** In this regard, *Minowa* '408 appears to show a flap with a ledge and a corresponding recess in the housing to receive the ledge. Third, *Minowa* '408 fails to disclose, teach, or suggest Applicant's claimed channel having ***"a second surface that is substantially orthogonal to the first surface."*** Fourth, *Minowa* '408 fails to disclose, teach, or suggest Applicant's claimed flap that recites the limitation ***"wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture for receiving an edge of a source to be scanned."***

Significantly, each of the embodiments illustrated *Minowa* '408 do not show a channel having ***"a first surface that is substantially parallel to, and opposed from, said source-contact surface"*** and ***"a second surface substantially orthogonal to the first surface,"*** as recited in Applicant's claim 26. Consequently, *Minowa* '408 fails to disclose, teach, or suggest at least this element of the claim. For at least this reason, *Minowa* '408 fails to anticipate Applicant's claim 26.

Because *Minowa* '408 fails to disclose, teach, or suggest Applicant's claimed channel, *Minowa* '408 cannot disclose, teach, or suggest Applicant's claimed flap that recites the limitation ***"wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture for receiving an edge of a source to be scanned."***

Because *Minowa* '408 does not disclose, teach, or suggest at least the emphasized elements of claim 26 as shown above, Applicant respectfully submits that *Minowa* '408 fails to anticipate claim 26. Consequently, independent claim 26, as amended, is allowable and the rejection of claim 26 should be withdrawn.

Because independent claim 26 is allowable, its respective dependent claims 28-32 and 34-36 are also allowable, as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 26. *See In re Fine, supra.* Accordingly, Applicant respectfully requests that the rejection of claims 28-32 and 34-36 be withdrawn.

5. Claim 37

For convenience of analysis, Applicant's independent claim 37, as amended, is repeated below in its entirety.

37. A method for arranging a source in a scanner comprising:

inserting a leading edge of the source into an aperture formed by a channel that protrudes from a housing, the channel having a first surface that is substantially parallel to, and opposed from, a platen of the scanner such that a surface of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor arranged in a substantially vertical plane and ***such that said leading edge is supported by a base surface of said channel, said base surface extending adjacent to an edge of said platen;*** and

adjusting the source such that the information desired to be imaged is aligned with the sensor.

(Applicant's independent Claim 37 - *Emphasis Added.*)

Applicant respectfully asserts that the cited art of record fails to disclose, teach, or suggest at least the emphasized method step of independent claim 37. Consequently, claim 37 is allowable.

Regarding independent claim 37, the Office Action rejection alleges that *Minowa '408* teaches a method for arranging a source in a scanner comprising inserting (see FIG. 6) a leading edge of a source (above 14b) into an aperture formed by a channel (from 14b to 14c) having a surface that is substantially parallel to and opposed from, a platen (12) of the scanner such that a surface of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor (13) (see FIG. 1) arranged substantially in a vertical plane, and adjusting (by

insertion) the source such that the information desired to be imaged is aligned with the sensor. (See Office Action, Paper No. 13, page 7.)

As shown above, Applicant respectfully disagrees. Specifically, Applicant respectfully disagrees with the assertion in the Office Action that *Minowa '408* teaches Applicant's claimed method step of ***"inserting a leading edge of the source into an aperture formed by a channel that protrudes from a housing, the channel having a first surface that is substantially parallel to, and opposed from, a platen of the scanner"*** such that a surface of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor arranged in a substantially vertical plane and ***such that said leading edge is supported by a base surface of said channel, said base surface extending along an edge of said platen.***" Applicant's method step recites an aperture formed by ***"a channel that protrudes from a housing, the channel having a first surface that is substantially parallel to, and opposed from, a platen of the scanner."*** These limitations are not shown in *Minowa '408*. First, as pointed out above, FIGs. 1 and 4 of *Minowa '408* fail to illustrate any structure extending from the housing 11. Second, *Minowa '408* fails to disclose, teach, or suggest Applicant's claimed channel ***"such that said leading edge is supported by a base surface of said channel."*** Third, *Minowa '408* fails to disclose, teach, or suggest Applicant's claimed channel having a ***"base surface extending adjacent to an edge of said platen."***

Significantly, each of the embodiments illustrated in *Minowa '408* do not show a ***"a channel that protrudes from a housing, the channel having a first surface that is substantially parallel to, and opposed from, a platen of the scanner . . . such that said leading edge is supported by a base surface of said channel."*** as recited in Applicant's claim 37. Consequently, *Minowa '408* fails to disclose, teach, or suggest at least this limitation of the claim. For at least this reason, *Minowa '408* fails to anticipate Applicant's claim 37.

Furthermore, *Minowa '408* fails to disclose, teach, or suggest Applicant's claimed channel having a ***"base surface extending adjacent to an edge of said platen."*** Because *Minowa '408* does not disclose, teach, or suggest at least this limitation of claim 37, Applicant respectfully submits that *Minowa '408* fails to anticipate claim 37. Consequently, independent claim 37, as amended, is allowable and the rejection of claim 37 should be withdrawn.

III. Claim Rejections Under 35 U.S.C. §103– Claims 3, 9, 10, 11, 15, 27, 33, 36, 38, and 39

A. Statement of the Rejections

The Office Action indicates that claims 10, 11, and 33 presently stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Minowa '408* in view of *Minowa et al.* (U.S. Patent No. 6,408,161, hereafter *Minowa '161*.)

The Office Action indicates that claims 3, 9, 15, 27, and 36 presently stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Minowa '408* in view of *Minowa* (Japanese Publication No. 2001-053918, hereafter *Minowa '918*.)

The Office Action indicates that claims 38 and 39 presently stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Minowa '408*.

B. Discussion of the Rejections

Applicant respectfully traverses the rejection of these claims for at least the reason that the cited art references fail to disclose, teach, or suggest each element in the claims.

In order for a claim to be properly rejected under 35 U.S.C. §103, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

In this regard, the present rejections fail to meet the burden of disclosing, teaching, or suggesting each feature of the claimed invention. As shown above, regarding the patentability of Applicant’s independent claims 1, 16, 20, 26, and 37, *Minowa '408* fails to teach each element or method step in the claims.

Concerning Applicant’s claims 10, 11, and 33, Applicant respectfully submits that *Minowa '161* fails to remedy the failure of *Minowa '408* to disclose, teach, or suggest each element or method step in the claims. Thus, even the proposed combination of *Minowa '408* in view of *Minowa '161* fails to disclose, teach, or suggest at least the emphasized elements and method steps highlighted above.

Consequently, claims 10, 11, and 33 are allowable and the rejection of claims 10, 11, and 33 should be withdrawn.

Regarding Applicant's claims 3, 9, 15, 27, and 36, Applicant respectfully submits that *Minowa '918* fails to remedy the failure of *Minowa '408* to disclose, teach, or suggest each element or method step in the claims. Thus, even the proposed combination of *Minowa '408* in view of *Minowa '918* fails to disclose, teach, or suggest at least the emphasized elements and method steps highlighted above. Consequently, claims 3, 9, 15, 27, and 36 are allowable and the rejection of claims 3, 9, 15, 27, and 36 should be withdrawn.

Because independent claim 37 is allowable, as shown above, its respective dependent claims 38 and 39 are also allowable, as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 37. *See In re Fine, supra*. Accordingly, Applicant respectfully requests that the rejection of claims 38 and 39 be withdrawn.


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CONCLUSION

Favorable action in regard to the application is earnestly solicited. Claims 1-39 remain pending in the present application. If the Examiner has any comments regarding Applicant's amendment and remarks or believes that a teleconference would expedite prosecution of the application, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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